



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,432	07/10/2001	Irwin Gelman	A30558A-FWC-A 070165

CONFIRMATION NO. 8487

21003
BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

FORMALITIES LETTER



OC000000006840122

Date Mailed: 10/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes

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no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

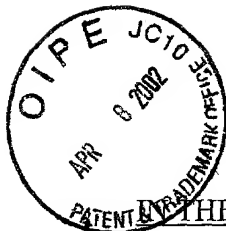


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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gelman *et al.*

Serial No. : 09/902,432

Examiner: TBA

Filed : July 10, 2001

Group Art Unit: 1632

For : TUMOR SUPPRESSOR GENE

RESPONSE TO NOTICE TO FILE MISSING PARTS

I hereby certify that this paper is being deposited with the
United States Postal Service as first class mail in an
envelope addressed to: Assistant Commissioner of Patents,
Washington, D.C. 20231. Date: April 3, 2002

Attorney: Carmella L. Stephens

PTO Reg. No. 41,328

Carmella L. Stephens
Signature

April 3, 2002
Date of Signature

Assistant Commissioner of Patents
Washington, D.C. 20231

SIR:

In response to the Notice to File Missing Parts dated October 3, 2001, please find
enclosed:

- (i) a Combined Declaration and Power of Attorney, executed by the
Applicants;
- (ii) substitute drawings, in compliance with 37 CFR 1.84;
- (iii) a Submission of Sequence Listing, with Sequence Listing in paper and
computer readable format;
- (iv) a Petition for Extension of Time under 37 CFR 1.136(a) for a period of
four months, up to and including April 3, 2002; and
- (v) A check in the amount of \$785, which is comprised of: \$65 for the
declaration surcharge and \$720 for the fee for extension of time for four

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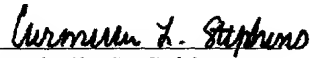
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65.00 DP

02 FC:205

months. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


Rochelle K. Seide
PTO Reg. No. 32,300

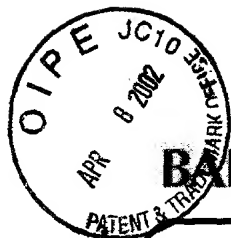
Carmella L. Stephens
PTO Registration No. 41,328

ATTORNEYS FOR APPLICANTS

(212) 408-2539

BAKER BOTTS, L.L.P
30 Rockefeller Plaza
New York NY 10112

Encls.

**BAKER BOTTS LLP**

FEE TRANSMITTAL for FY 2001

*Patent fees are subject to annual revision.***TOTAL AMOUNT OF PAYMENT****(\$)** 785**Complete if Known**

Application Number	09/902,432
Filing Date	07/10/2001
First Named Inventor	Irwin Gelman
Examiner Name	To be Assigned
Group Art Unit	1632
Attorney Docket No.	A30558-A-FWC-A

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-4377**
Deposit Account Name **Baker Botts LLP**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ **Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES**

Total Claims - 20 ** = 0 X = 0
Independent Claims - 3 ** = 0 X = 0
Multiple Dependent =

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

or number previously paid, if greater; For Reissues, see aboveFEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	65
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	720
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify) _____

Reduced by Basic Filing Fee Paid*SUBTOTAL (3)** (\$)

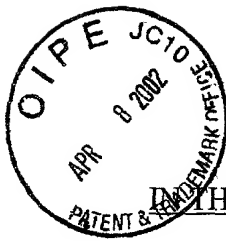
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SUBMITTED BYName (Print/Type) **Carmella L. Stephens**Registration No. **41,328**
(Attorney/Agent)**Complete (if applicable)**Telephone **(212) 408-2539**

Signature

*Carmella L. Stephens*Date **April 3, 2002**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Duplicate*THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant : Gelman *et al.*

Serial No. : 09/902,432

Examiner: TBA

Filed : July 10, 2001

Group Art Unit: 1632

For : TUMOR SUPPRESSOR GENE

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Attorney: Carmella L. Stephens

PTO Reg. No. 41,328

Carmella L. Stephens
Signature

April 3, 2002
Date of Signature

Assistant Commissioner of Patents
Washington, D.C. 20231

SIR:

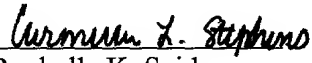
In response to the Notice to File Missing Parts dated October 3, 2001, please find enclosed:

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- (ii) substitute drawings, in compliance with 37 CFR 1.84;
- (iii) a Submission of Sequence Listing, with Sequence Listing in paper and computer readable format;
- (iv) a Petition for Extension of Time under 37 CFR 1.136(a) for a period of four months, up to and including April 3, 2002; and
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Respectfully submitted,


Rochelle K. Seide
PTO Reg. No. 32,300

Carmella L. Stephens
PTO Registration No. 41,328

ATTORNEYS FOR APPLICANTS

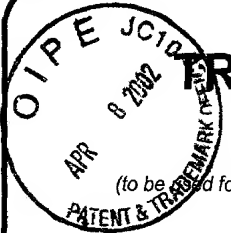
(212) 408-2539

BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York NY 10112

Encls.

BAKER BOTTS LLP

Please type a plus sign (+) inside this box → ☐

 TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/902,432
	Filing Date	07/10/2001
	First Named Inventor	Irwin Gelman
	Group Art Unit	1632
	Examiner Name	To be Assigned
Total Number of Pages in This Submission	Attorney Docket Number	A30558-A-FWC-A

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s) (90 sheets)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Executed Combined Declaration and Power of Attorney; and Submission of Sequence Listing + Sequence Listing in computer and paper readable form.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks <input type="checkbox"/>	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	<i>Carmella L. Stephens</i> Att Name: Carmella L. Stephens PTO Reg: 41,328
Date	April 3, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: April 3, 2002	
Typed or printed name	Carmella L. Stephens
Signature	<i>Carmella L. Stephens</i> Date April 3, 2002

BAKER BOTTS LLP

Attorney Docket Number: A30558-A-FWC-A

Title: TUMOR SUPPRESSOR GENE

Use Space Below for Additional Information: